

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BENJAMIN HOLMES,

Claimant,

-against-

09 civ 4124 (JGK)

ORDER

Commissioner of Social Security,  
Respondent.

-----X  
John G. Koeltl, District Judge:

Claimant has brought this action pursuant to 42 U.S.C. § 405(g), seeking review of a denial of disability benefits.

The Clerk of Court is hereby directed to serve a copy of this order on the Civil Division of the United States Attorney's Office for the Southern District of New York (the Commissioner), which has sixty (60) days from receipt of service to file an answer. The answer must be accompanied by a transcript of the record below.

The Commissioner must submit a motion for judgment on the pleadings no later than thirty (30) days from the date of the filing of his answer. The Commissioner's motion must be accompanied by a supporting memorandum of law that makes specific citation to the parts of the record on which the Commissioner relies. The Claimant shall submit its response to Commissioner's motion within thirty (30) days of the service of the motion. Said response must include a memorandum of law with specific citations to the parts of the record on which the Claimant relies. The Commissioner may submit a reply within ten (10) days after service of the response. **No extensions of time will be granted, except for good cause shown.**

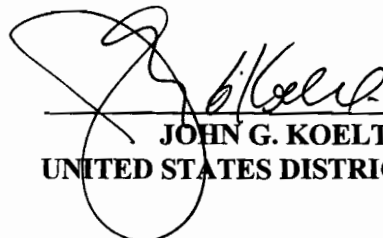
Any stipulation entered between the parties including, but not limited to, a remand to the Commissioner of Social Security ("the Commissioner") for further proceedings, must be approved by this Court. The parties are advised that a remand to the Commissioner for further proceedings is not necessarily a final disposition of the case, and Claimant may be entitled to seek further review by this Court of any additional proceedings before the Commissioner.

The parties are directed to deliver courtesy copies of all papers to the Judge's Chambers in Room 1030 of the United States Courthouse at 500 Pearl Street.

**SO ORDERED.**

Dated: New York, New York  
May 28, 2009

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JOHN G. KOELTL  
UNITED STATES DISTRICT JUDGE

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